



Fair Work (Registered Organisations) Amendment Bill 2013

Submission to the Senate Education and Employment
Legislation Committee

November, 2013

The Queensland Nurses' Union (QNU) thanks the Senate Education and Employment Legislation Committee (the Committee) for providing the opportunity to comment on the *Fair Work (Registered Organisations) Bill 2013* (the Bill).

The QNU - the union for nurses and midwives - is the principal health union in Queensland. Nurses and midwives are the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNU covers all categories of workers that make up the nursing workforce in Queensland including registered nurses, registered midwives, enrolled nurses and assistants in nursing who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 50,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNU.

The QNU represents the *industrial* and *professional* interests of our members through our education programs, research, representations and other activities. Thus, as always, our concerns also go to the possible impact that this restrictive legislation will have on the ability of Queensland's nurses and midwives to ensure that Queenslanders receive the safe, quality public health care they deserve.

We ask the Committee to read our submission in conjunction with that of our peak bodies the Australian Nursing and Midwifery Federation and the Australian Council of Trade Unions.

Unreasonable Timeframe

We state at the outset that without the benefit of a reasonable timeframe in which to contemplate the Bill, our comments are general and relate to the likely impact of this legislation on trade unions. Unfortunately, in the haste to demonise unions, the coalition has rushed to introduce legislation that it feels will enhance the ability of governments to monitor the internal operation of unions.

We have the spectacle of interested parties having four days in which to consider and respond to complex legislation and the Committee having a further five days to hear oral presentations and write the report. This is not reasonable for the public or the Committee.

Parliamentary Committees are an integral part of our democratic process. They enable the public to put forward their views on important pieces of legislation. Restricting the Committee's ability to consult properly not only limits the public's right to be heard, it also

denies the members of the committee the opportunity to do their jobs effectively. We take this opportunity to formally request the committee to provide adequate timeframes to respond to legislation in future.

In Queensland, the QNU is currently operating under a legislative regime introduced by an Attorney-General determined to undermine and denigrate the important work of trade unions. We are now subject to the provisions of the *Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Bill 2013* that amended the *Industrial Relations Act 1999*.

We notice that the federal Bill models its content and purpose on the *Corporations Act 2001*. We remind the Committee that unions are not-for-profit organisations that operate to defend and protect the workplace rights of their members. They are not corporations subject to the profit motive of shareholders. In our view, the provisions of *Fair Work (Registered Organisations) Amendment Act 2012* which tripled the penalties for breaches, introduced new financial management standards and mandated formal training for officers with financial responsibilities was a reasonable means of ensuring accountability in union governance.

Accounting and Audit

Organisations are subject to reporting and audit requirements in accordance with international accounting standards and at a specific level of materiality that is appropriate for the organisation's size and risk. Standards apply to the wider not-for-profit sector, private and public companies and have been developed by international authorities under a conceptual framework that embodies the sound principles of governance, risk management and stewardship.

This Bill extends reporting requirements beyond that required by public companies. To put this in context, public companies are able to raise billions of dollars every day in international capital markets facilitated by the level of investor and regulator confidence in these standards. It is completely incongruous that a company can raise billions of dollars from the public under these disclosure principles, yet the Bill does not find them adequate for small, non-profit entities.

Public Disclosure v Disclosure to Members

Public companies and governments are required to make information available to the public. Private companies and membership organisations have an obligation to report to their members not the public in general. Registered organisations will be the only organisations that are afforded no recognition or respect for principles of confidentiality in

commercial transactions. It is fanciful to suggest that there is any public interest or market mechanism at work here that would require the same level of disclosure to membership organisations.

As the industrial and professional representative of nurses and midwives in Queensland, we will continue to advocate for sufficient timeframes within the parliamentary process so that democracy and good government will prevail. The coalition's aggressive approach to the legislative process demonstrates unprecedented disrespect for the parliament, its committees and Australian workers.

The QNU recommends that the Committee:

- seeks immediate withdrawal of this Bill from the Parliament.